

FEDERAL ELECTION COMMISSION

1425 K STREET N.W.
WASHINGTON, D.C. 20463

March 31, 1976

Mr. Robert F. McAnanly
Associate Counsel
Union Camp Corporation
1600 Valley Road
Wayne, N.J. 07470

RE: AOR 1975-125

Dear Mr. McAnanly:

This letter is to notify you of the current status of your request for an opinion construing the Federal Election Campaign Act of 1971, as amended, and related provisions of Title 18 of the United States Code.

On January 30, 1976, the Supreme Court rendered its decision in Buckley v. Valeo, which significantly modified several provisions of the Federal election campaign laws enacted in 1974. Among other things the Court held that the Commission, given its legislative character, could not act in the fashion of an executive agency. The Court stayed its judgment for 30 days to allow time for Congressional action reconstituting the Commission as such an executive body. That stay was later extended for an additional 20 days, until March 22, 1976.

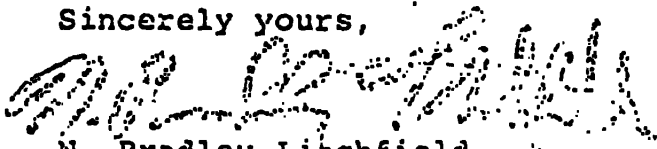
Shortly after the decision was rendered, the Commission decided that it would not issue further advisory opinions under 2 U.S.C. §437f. The Commission did not, at the same time, rescind its authorization for me to issue opinions of counsel although such opinions rendered since Buckley have been confined to the determination of issues substantially governed by previous Commission pronouncements in the form of advisory opinions or proposed regulations. However, by Commission action on March 25, further issuance of opinions of counsel has been suspended.

In addition, since the Buckley decision came down, bills have been introduced in both Houses of Congress which would not only reconstitute the Commission, but also make numerous

substantive amendments to the Act that would be pertinent to many pending opinion requests.

For the foregoing reasons your opinion request cannot be satisfactorily answered at this time. I want to assure you that we wish to provide you with guidance at the earliest possible moment, but in the present circumstances I see no alternative to some further delay. We will be back in contact with you as soon as possible after the described legislative process is concluded, assuming the Commission's statutory powers are restored. Thank you for your continued patience.

Sincerely yours,



N. Bradley Litchfield
Assistant General Counsel

76741011031